

# EXHIBIT 1

**Burgoyne, Robert (WDC)**

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**From:** Burgoyne, Robert (WDC)  
**Sent:** Tuesday, November 9, 2021 3:35 PM  
**To:** Chase-Lubitz, Jeffrey; Goldstein, Richard  
**Cc:** Stacey P. Nakasian; Dennis Grieco II  
**Subject:** Paul Bowary, M.D. v. NBME and FSMB

Hello Jeff and Richard,

I am following up on our conference call yesterday, in which you reported that you would be taking over as counsel for Dr. Bowary in both the pending lawsuit and in connection with any rehearing before the USMLE Committee for Individualized Review (CIR).

In line with our call, this email will confirm that, at your request, and to allow you ample time to get up to speed, Dr. Bowary's case will be taken off the CIR's meeting schedule for December 2021. I have confirmed with our clients that they are comfortable removing his case from the December schedule. Assuming no change in the Court's previously issued ruling from the bench on Dr. Bowary's preliminary injunction motion, Dr. Bowary's case will instead be heard by the CIR at one of its meetings in 2022, with documents to be exchanged by USMLE staff and Dr. Bowary on a reasonable schedule, as yet to be determined, in advance of the rescheduled hearing date.

In that regard, it is my understanding that USMLE staff have asked Dr. Bowary to provide certain records as part of their review of his expert report and the contemplated rehearing of his CIR case. It is my further understanding that he has not yet provided the requested records. I have been asked to request your assistance in facilitating the provision of the requested records as soon as possible.

During our call yesterday we also discussed Dr. Bowary's pending motion to have his proposed PI order entered, and the defendants' opposition to that proposed order and submission of their own proposed PI order. We agreed that it would be preferable to have the Court refrain from deciding the motion and entering any PI order given your entry into the case and our agreement to take Dr. Bowary off of the December 2021 CIR calendar (as both proposed orders have the CIR rehearing occurring in December 2021). I followed up with Stacey after the call to get her thoughts on how best to communicate the parties' joint desire that the Court refrain from deciding Dr. Bowary's motion or entering either proposed order for the time being. She suggested an email from her to the Judge's clerk, with you copied, making the parties' joint request. Let us know if this is acceptable on your end, and Stacey will send the email.

Finally, as I also mentioned during yesterday's call, we do not believe that any PI is warranted at this point given the Consent Order that Dr. Bowary entered into with the RIDOH on October 19, 2021. Stacey either has filed or soon will file a motion that we were about to file yesterday seeking to vacate the Court's oral PI ruling based upon the change in Dr. Bowary's situation. We held off filing the motion yesterday when we learned of your retention and desire to have a call, but we believe it is appropriate to proceed with the filing.

Many thanks. We look forward to working with you.

Bob